

## United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

AUG 12 2013  
David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

## CRIMINAL COMPLAINT

Adalberto Eli Chapa  
A206 180 666

YOB: 1972

Principal  
United States

Case Number:

M-13-1452-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 10, 2013 in Starr County, in the Southern District of Texas defendants(s) did,

*(Track Statutory Language of Offense)*

**knowing or in reckless disregard of the fact that Claudia Yaneth Fernandez-Sillero and Stephany Geraldine Aguilar-Cortez, citizens and nationals of the United Mexican States, who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location in Rio Grande City, Texas to the point of arrest in Rio Grande City, Texas.**

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**  
 I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On August 10, 2013, at approximately 8:55 a.m., Border Patrol Agent (BPA) Mark Bejarano was conducting patrol duties in close proximity to the Rio Grande River in Rio Grande City, Texas. This area is frequently utilized as a pickup location for human and narcotic smuggling due to the dense brush south of the residential area. As BPA Bejarano drove west on Water St., he noticed a blue GMC truck facing east near the intersection of Corpus Christi St. and Water St. BPA Bejarano approached the location and observed one female boarding the truck. The female was coming from a vacant lot which has several trails leading from the Rio Grande River. At that time, BPA Bejarano suspected the truck was involved in illegal activity and requested assistance.

## SEE ATTACHED:

Continued on the attached sheet and made a part of this complaint:

 Yes  No

*Approved to file  
T. Ibanez, Deverend  
Asst US Attorney*

  
Signature of Complainant

Ricardo Ibanez Jr. Senior Patrol Agent  
Printed Name of Complainant

Sworn to before me and subscribed in my presence,  
August 12, 2013 *8:56 am*  
Date

Peter E. Ormsby, U. S. Magistrate Judge  
Name and Title of Judicial Officer

  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS

ATTACHMENT TO CRIMINAL COMPLAINT:

M-13-1452-M

RE: Adalberto Eli Chapa

A206 180 666

**CONTINUATION:**

The truck travelled east on Water St. so BPA Bejarno conducted a U-turn to get a closer look at the vehicle. While performing the U-turn, the truck then departed at a high rate of speed through the residential area. BPA Bejarano located the vehicle and observed two female subjects getting dropped off while the truck was still moving. The passenger door of the truck was left open hitting one of the females in the arm due to the reckless driving. BPA Bejarano proceeded to stop and interview the females and it was determined they were illegally in the United States. BPA R. Cavazos then arrived and located the vehicle and activated emergency equipment and conducted a vehicle stop to perform an immigration inspection. The driver, identified as Adalberto Eli Chapa, was identified as a United States Citizen and freely stated he picked up the subjects at a nearby store and was giving them a ride. All individuals were then taken to the Rio Grande City, Texas Border Patrol Station for questioning and processing. While Adalberto Eli Chapa was taken into custody, he was verbally assaultive towards agents using profanities and insulting Agents.

**PRINCIPAL STATEMENT:**

Adalberto Eli CHAPA was read his Miranda Rights by BPA M. Bejarano. CHAPA stated he understood his rights and was willing to provide a sworn statement without the presence of an attorney.

CHAPA stated he is a United States Citizen and he has been arrested multiple times by the police. CHAPA further stated he did not pick up the subjects and he did not know who they were. CHAPA added he was at Water St. and he was about to use some personal drugs when he saw the Border Patrol and got nervous. CHAPA then said he took off and was able to throw the drugs out the window

**MATERIAL WITNESS STATEMENTS:**

1. Claudia Yaneth FERNANDEZ-Sillero was read her Miranda Rights by BPA M. Bejarano. FERNANDEZ stated she understood her rights and was willing to provide a sworn statement without the presence of an attorney.

FERNANDEZ stated she illegally entered into the United States on August 10, 2013. FERNANDEZ stated after crossing the river, she and her cousin, Stephany Geraldine Aguilar Cortez, got lost while walking. She further stated she called "Pelon" who was in Houston, and he told them to look for the nearest street, stay hidden, and somebody was going to pick them up. She then said a smuggler called her and said he was going to pick them up shortly. The smuggler told her he was driving near the area and asked her if they were able to see his blue truck with a tank of water in the back. FERNANDEZ stated she told him he was in the right place and they were able to see his vehicle driving around. FERNANDEZ then said he told them to wait since there were Border Patrol vehicles close by and then the truck went back and they got inside.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

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**CONTINUATION:**

FERNANDEZ was able to describe the vehicle as a blue pickup truck with a big water tank in the back. She stated she boarded the truck in the front seat next to the driver. FERNANDEZ was shown a DHS Photo Lineup and identified Adalberto Eli Chapa as the driver of the truck. She also described his physical appearance and stated he was bald and wearing a blue shirt and black sun glasses. FERNANDEZ added the driver did not say anything when they got in the truck but he screamed at them to get out and the truck was still moving when they got out. She stated the truck almost ran over them when they were exiting since the door was open and hit her. FERNANDEZ continued to add she believed the driver knew they were undocumented aliens since he was contacted by "Pelon" to pick them up.

2. Stephany Geraldine AGUILAR-Cortez was read her Miranda Rights by BPA M. Bejarano. AGUILAR stated she understood her rights and was willing to provide a sworn statement without the presence of an attorney. -

AGUILAR stated she illegally entered into the United States on August 10, 2013. AGUILAR stated after crossing the river, she and her cousin, Claudia Yaneth FERNANDEZ-Sillero, got lost while walking. She further stated they called the smuggler, who was in Houston, and he told them to look for the nearest street, stay hidden, and somebody was going to pick them up. She then said a smuggler called her cousin and said he was going to pick them up shortly. The smuggler told her cousin he was driving near the area and asked them if they were able to see his blue truck with a tank of water in the back. AGUILAR stated they told him he was in the right place and they were able to see his vehicle driving around. AGUILAR then said he told them to wait since there was Border Patrol vehicles close by and then the truck went back and they got inside. AGUILAR was able to describe the vehicle as a blue pickup truck with a big water tank in the back. AGUILAR stated she sat in the front seat on the passenger side door. AGUILAR was shown a DHS Photo Lineup and identified Adalberto Eri CHAPA as the driver of the truck. She also described his physical appearance as bald and wearing blue shirt and black sun glasses. AGUILAR added she did not remember if the driver told them anything when they got in but she stated he looked suspicious and she was really scared. AGUILAR then said the driver screamed for them to get out of the truck and it was still moving when they got out. She then said the truck almost ran them over and the door hit her cousin.